

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

REGINA S. MAESTAS,

Plaintiff,

vs.

Civ. No. 01-1080 WWD/LFG ACE

WALGREEN DRUG STORE NO. 1820,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendant's Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, of the Claim of Retaliatory Discharge (Docket # 39) filed June 11, 2002.

**Defendant's Contentions.**

Referring to certain pages of the deposition of Plaintiff which were not supplied to the Court with motion, Defendant contends that (1) Plaintiff was not "discharged" and (2) that Plaintiff cannot establish a causal connection between her "discharge" and any protected activity. Defendant's Reply has certain pages from Plaintiff's deposition attached which do not include the materials cited in the motion.

**Plaintiff's Contentions.**

Plaintiff would dispute a number of the "uncontested facts" claimed by Defendant, and would assert certain "undisputed" facts of her own. Plaintiff also alleges that a permissible inference could be drawn for the "close temporal proximity" of Plaintiff's reporting of a battery on

her by one of her supervisors and her “discharge”. In support of her argument, Plaintiff submits a number of un-highlighted pages from her deposition. Unfortunately, Plaintiff’s Response to the motion stops in mid-sentence on page 5 of the Response, and is unsigned.

**Discussion.**

Motions to dismiss and motions for summary judgment are serious matters which when granted represent an attempt on the part of the Court to shorten the judicial process by deciding the case on the basis of uncontested facts rather than going through a trial. Such a resolution is not possible when incomplete or unsupported pleadings are submitted to the Court.

**WHEREFORE,**

**IT IS ORDERED** that Defendant’s Motion to Dismiss, or in the Alternative, Motion for Summary Judgment, of the Claim of Retaliatory Discharge be, and it is hereby, **DENIED**.

  
UNITED STATES MAGISTRATE JUDGE